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SENATE BILL 793

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Manny M. Aragon

AN ACT

RELATING TO MUNICIPAL WATER UTILITIES; ALLOWING BERNALILLO COUNTY TO TAKE OVER THE ALBUQUERQUE WATER AND WASTEWATER UTILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. ALBUQUERQUE WATER AND WASTEWATER UTILITY--
BERNALILLO COUNTY MAY TAKE OVER-- ELECTION NOT REQUIRED--
PROVISION FOR THE TRANSFER OF PROPERTY AND CONTRACTUAL
OBLIGATIONS. --

A. In order to protect the public peace, health and safety and to provide safe drinking water to residents countywide, Bernalillo county may take over the operation and maintenance of the Albuquerque water and wastewater utility.

The provisions of Chapter 3, Article 23 NMSA 1978 apply to the county and the county water and wastewater utility in the same

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1 manner as they applied to Albuquerque and the Albuquerque water
2 and wastewater utility, except that the county may acquire the
3 water and wastewater utility without an election.

4 B. When the board of county commissioners of
5 Bernalillo county passes an ordinance for the provision of a
6 countywide water and wastewater utility, Albuquerque shall
7 transfer all real and personal property pertaining to the
8 Albuquerque water and wastewater utility to Bernalillo county.

9 C. The county shall not impair the rights of any
10 bondholders of outstanding bonds of the Albuquerque water and
11 wastewater utility. If there are outstanding bonds for which
12 property taxes have been pledged, the county shall issue
13 revenue bonds to refund the bonds pledged by property taxes;
14 provided that the county is not required to hold an election to
15 issue revenue bonds for refunding such bonds. All contractual
16 obligations for the Albuquerque water and wastewater utility
17 shall be binding on Bernalillo county.